THE BOMBAY MONEY-LENDERS ACT, 1946 (BOM. XXXI OF 1947).

G. N., R. D., No. 2393/49, dated 4th August 1949 (B. G., Pt. IV-B, p. 1639). S. 13A

In exercise of the powers conferred by section 13A of the Bombay Money-lenders Act, 1946 (Bom. XXXI of 1947), the Government of Bombay is pleased to authorise—

(*i*) the Inspectors under the Registrar and Assistant Registrar of Money-lenders for Bombay City ; and

(*ii*) all Revenue Officers of and above the rank of Aval Karkun

to exercise the powers under the said section, within their respective jurisdictions.

G. N., R. D., No. 1112, dated 12th May 1950 (B. G., Pt. IV-B, p. 907). S. 13A

In exercise of the powers conferred by section 13A of the Bombay Money-lenders Act, 1946 (Bom. XXXI of 1947), the Government of Bombay is pleased to authorise the Backward Class Welfare Officer and District and Sub-Divisional Co-operative Officers in Banaskantha and Sabarkantha Districts to exercise the powers under the said section within their respective jurisdictions.

G. N., R. D., No. 4312/45, dated 29th October 1947 (B. G., Pt. IV-B, p. 726A). S. 39 Bombay Moneylenders Rules, 1947.

Amended by G. N., R. D., No. 4312/45, dated 1st April 1949.

In exercise of the powers conferred by section 39 of the Bombay Money-lenders Act, 1946 (Bom. XXXI of 1947), the Government of Bombay is pleased to make the following rules, namely :—

1. *Short title.*—These rules may be called the Bombay Money-lenders Rules, 1947.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context—

(*a*) "Act" means the Bombay Money-lenders Act, 1946 ;

(*b*) "Form" means a form appended to these rules ; and

(*c*) "Section" means a section of the Act.

3. *Register of money-lenders.*—The register of money-lenders required to be maintained under section 4 shall be in Form No. 1

3-A. *Display of list of licensed money-lenders.*—Every Assistant Registrar shall display on a notice board in his office a list of money-lenders licensed to carry on the business of money-lending in the area under his jurisdiction. Such list shall contain the addresses of the money-lenders.

4. *Application for licence.*—(1) A money-lender desiring to carry on the business of money-lending in any area shall make an application in Form No. 2 to the Assistant Registrar concerned. The application shall be delivered at the office of the Assistant Registrar during office hours either personally by the applicant or through an agent duly authorised in writing in this behalf or sent by registered post addressed to the Assistant Registrar.

(2) An application for the grant of a licence for the first time may be made on any date but an application for renewal of licence shall be made in the month of May preceding the year for which the licence is to be renewed.

(3) [*Deleted.*]

4-A. *Change in partnership or management.*—If during the currency of a licence a new partner is taken up or a person is appointed as responsible for the management of the business of money-lending, the money-lender shall, within seven days communicate to the Registrar, the name of the partner so taken up or of the person so appointed; and shall satisfy the Registrar that the new partner or the person appointed

is not himself disqualified from holding a licence on any of the grounds mentioned in section 8.

4-B. *Change of address.*—A money-lender shall communicate to the Registrar any change in his address giving full details of the new address within seven days of such change.

5. *Procedure for summary inquiry under section 7.*—The Assistant Registrar shall make the summary inquiry under section 7 by calling for such information from the applicant and examining such persons as he may deem fit in order to satisfy himself about the *bona fides* of the applicant and his suitability for carrying on the business of money-lending. If from the information supplied and the examination made the Assistant Registrar is not so satisfied, he may examine the applicant personally. The Assistant Registrar shall maintain a record of such inquiry and shall sign below the same. The record shall contain a brief memorandum of the substance of evidence taken and a summary of the conclusions regarding facts elicited during the inquiry.

6. *Form of licence.*—The licence under section 7 shall be in Form No. 3.

7. *Manner of payment of licence fees.*—(1) The licence fee of Rs. 5 and Rs. 2 under section 6 shall be paid in cash at the time of presenting the application or by remitting it by postal money order addressed to the Assistant Registrar or by crediting to Government account at a treasury, sub-treasury or the Reserve Bank of India, Bombay, and forwarding the receipt of the postal money order or the receipted chalan to the Assistant Registrar along with the application.

(2) The Registrar while forwarding copies of the licence for the principal place and the application to other Registrar or Registrars shall make an endoresement in token of having received the requisite licence fee.

8. *Reasons for refusing to grant licence to be communicated to applicant.*—If a Registrar refuses to grant a licence, he shall communicate to the applicant his reasons for so doing.

9. *Appeal against order of Registrar refusing or cancelling a licence.*—(1) An appeal under sub-section (*3*) of section 8 or 8A against the order of a Registrar refusing to grant or cancelling a licence shall be instituted within 30 days from the date on which the order of refusal or cancellation is communicated to the money-lender.

(2) The Registrar General shall decide the appeal after hearing the appellant or his pleader, as the case may be.

9-A. *Display of licence.*—Every money-lender shall exhibit his licence in a prominent place on the premises where he carries on the business of money-lending. He shall also exhibit outside his premises a signboard showing (*i*) the name in which the business of money-lending is carried on and (*ii*) the number of his licence.

10. *Forms of cash book, ledger and of statement under section 18.*—The cash book and ledger to be maintained by a money-lender under sub-section (*1*), and the statement under clause (*a*) of sub-section (*2*), of section 18 shall be in Forms Nos. 4, 5 and 6 respectively.

11. *Annual Statement of accounts to be delivered by money-lenders to debtor, etc., under section 19.*—(1) The annual statement of accounts to be delivered by a money-lender to each of his debtors under sub-section (*1*) of section 19 shall be in Form No. 7.

(2) The statement shall be furnished to each of the debtors within sixty days after the close of the year for which the accounts of the money-lender are ordinarily maintained.

(3) The fee to be paid by a debtor to a money-lender for supplying a statement of accounts under sub-section (*2*) of section 19 shall be annas eight.

(4) The expenses to be recovered from a debtor for supplying copies of documents by a money-lender under sub-section (*3*) of section 19 shall be according to the following scale :—

For copying 100 words or fraction thereof—One anna.

For copying 100 words or fraction thereof of tabular statement—Two annas.

Cost of paper—¼ anna per sheet of foolscap size.

11-A. *Fees for supply of statements of debts.*—The rate of fees which a money lender may recover for supply of statements under sub-section (*2*) of section 18 and sub-section (*1*) of section 19 shall be two annas per statement subject to a maximum of two rupees per debtor per year. The amount on account of these fees shall be shown separately in the debtor's account.

12. *Notice and information to be given on assignment of loan.*—The notice to be given to an assignee under clause (*a*), the statement of information to be supplied to an assignee under clause (*b*), and the notice to be given to the debtor under clause (*c*), of sub-section (*1*) of section 27, shall be in the Forms Nos. 8, 9 and 10 respectively.

13. *Form of application under section 30.*—The application to be made by a debtor under sub-section (*1*) of section 30 shall be in Form No. 11 and shall be accompanied by a Court-fee of Re. 1.

FORM 1.

(Rule 3.)

Register of Money-lenders.

Office of the Assistant Registrar of Taluka District .

Serial No.	Name, father's or husband's name, religion and full address of the money-lender.‡	Name, father's name, religion and full address of the person or persons responsible for the management of the business, if any.	Full details of the principal place of business and of the branches thereof.	Date and serial No. of previous licence if any.	Date of the issue of the present licence.
1	2	2A	3	4	5

Serial No. of appli-cation.	Cancella-tion of licence* if any, with date and particulars.	Orders of appellate authority if any.	Particulars of cancellation or suspension of licence under S. 14 (*ii*) (*a*) or disquali-fication under S. 14 (*ii*) (*b*).	No. of duplicate licences issued with dates.	Signature of Assistant Registrar.	Remarks.
6	7	8	9	10	11	12

‡ (1) In the case of an Undivided Hindu Family, Column 2 should show the names and addresses of the manager and adult co-parceners of such family; in the case of a bank or company the column 2 should show the names and addresses of the directors and manager or principal officer and in case of an unincorporated body of individuals, the names and address of all individuals.

* (2) When filling up this column the section of the Act under which cancellation is made should be entered.

FORM 2.

(Rule 4.)

Application for the grant of a licence to a money-lender.

In the Office of the Assistant Registrar of .....
P. O.
Taluka
District

1. Name of the applicant, with father's or husband's name, surname, residence and address in full.
   Names of the manager and the adult coparceners of the undivided Hindu Family, with fathers' names, surname, residence and address in full.
   Name of the Director, Manager or principal officer managing the Bank or company with father's or husband's name, surname, residence and address in full.
   Names of all the persons forming an unincorporated body, with father's or husband's names, surnames, castes, residences, and addresses in full.
2. Name in which the applicant carries on or intends to carry on his money-lending business.
3. Name of the area within which the applicant has his business of money-lending on the date of the application.
4. Names of persons responsible or proposed to be responsible for the management of the applicant's money-lending business, with father's or husband's name, surname, residence and address in full.
5. Location of the applicant's place or principal place of business, with full particulars thereof and the name, father's or husband's name, surname, and address of the person in charge.
6. Whether the person signing the application or any of the adult coparceners of an undivided Hindu family, or any Director, Manager or principal officer of the Bank or company or any member of the unincorporated body on behalf of which the application is made, as the case may be, carried on the business of money-lending in the State in the year ending on the 31st day of March immediately preceding the date of the application either individually, or in partnership or jointly with any other coparcener or any other person and whether in the same or any other name.
7. Is the applicant or any other person on behalf of whom the application has been made, carrying on or intends to carry on the business of money-lending in any other place in the State ? If so, give complete particulars with the name, father's or husband's name, surname, and address of the person in charge of each office. Give particulars of the location of each such office and the area within which the business of money-lending is being carried on or is proposed to be carried on at each such place.
8. What is the extent of the total business of the applicant on 31st March ?
9. What is the total amount of the capital which the applicant intends to invest in the business of money-lending in the year for which the application has been made ?

9A. What is the year for which the applicant's accounts are maintained ?

10. Has the applicant carried on the business of money-lending in the past and if so since when ?
11. Has any application for licence previously been made ? If so, when, where and with what results ?
12. In case the application has previously been granted, give full particulars of the licence.
13. Has any licence granted previously to the applicant been cancelled or suspended or does it contain any endorsements of the Court or any disqualifications imposed by the Court ? If so, full particulars should be given including the name of the officer and/or Court and the date and terms of the order.
14. Is money-lending the sole business of the applicant or is he engaged in any other business, profession or calling ?
15. (*i*) Whether the applicant is a full time servant in the employment of Government or of a local authorty ; if so, state the designation of the post held and (*ii*) whether by rules applicable to him in that capacity he is entitled to start or carry on the business of money lending.

Certified that all the facts set out in the application are true to my knowledge except.....paragraphs, which are true to my belief being based on information supplied by.....

Signature of the applicant
with date.

FORM 3.

(Rule 6.)

Money-lender's Licence.

District

Taluka

Place P. O.

Licence No.

This Licence has been granted to

to carry on the business of money-lending subject to the provisions of the Bombay Money-lenders Act, 1946, and the rules thereunder and the following conditions, namely :—

(1) The licence shall be valid up to 31st July.....

(2) It shall entitle the money-lender to carry on the business of money-lending in*

(3) The licensee shall surrender the licence when ordered to do so by the Registrar granting it or by the Registrar-General or by a Court.

Registrar.

(Seal of the Registrar) dated

* Here insert area.

[BACK.]

Endorsement, if any.

Signature. Remarks.

FORM 4.

(Rule 10.)

Cash Book.

Dr.

RECEIPTS.

Date.	Particulars.	Ledger folio.	Amount.	
			Rs. a. p.	Rs. a. p.
1946.	Brought forward ..		6,000 0 0	
August 2 ..	Interest received from Jagat Ch. Mookerji on the mortgage bond dated ....from..... to.....		25 0 0	
				6,025 0 0
August 3 ..	To balance B/F ..		1,025 0 0	

Cr.

DISBURSEMENTS.

Date.	Particulars.	Ledger folio.	Amount.	
			Rs. a. p.	Rs. a. p.
1946.				
August 2 ..	Lent to B. C. Sen Rupees five thousand, interest per cent. per annum.		5,000 0 0	5,000 0 0
	By Balance C/F ..	....		1,025 0 0
				6,025 0 0

In case of loans in kind the entry shall contain clear reference to the commodity advanced with market value of same at the date of each transaction.

FORM 5.

(*See* Rule 10.)

Debtor.....

Name and address of the debtor.....

Ledger Account Ledger No.

Date.	Principal amount borrowed or debited.	Amount of fees due in respect of supply of statements of debts.	Amount repaid or credited.			
			Principal.	Interest.	Fees for statements of debts.	Total.
1	2	3	4	5	6	7

Balance due after each transaction.			Details of calculation of interest.			Remarks.
Principal.	Interest.	Fees for statements of debts.	Principal due.	Months.	Amounts of interest recovered.	
8	9	10	11	12	13	14

FORM 6.

(Rule 10.)

Statement showing the details of condition of the loan.

Name of debtor :

Address :

(1) Amount of loan :
(2) Date of loan :
(3) Date of maturity of the loan :
(4) Rate of interest per annum :
(5) Nature of the security :
(6) Particulars of documents, if any :
(7) Any special conditions on which the loan has been made :
(8) Other connected information.

Signature of money-lender.

Name and address of money-lender :

Date :

N.B.—A separate statement shall be furnished in respect of each loan transaction. In case of loans in kind there shall be reference to the commodity advanced along with market value of the same at the date of each transaction.

FORM 7. [Rule 11 (*i*).]

Annual statement of accounts to be delivered by a money-lender to his debtors within sixty days after the close of the year.

Name of the Debtor ...
Occupation ...
Address ...
Number of Ledger Account ...
Amount of principal and interest separately due to the money-lender and the amount of fees due in respect of supply of statements of debts.
Amount of every payment already received by the money-lender in respect of the loan during the year together with the date on which each payment was made.
All payments credited first in the account of interest, and the residue, if any, of any payment more than sufficient to discharge the balance of interest due at the time it is made, credited to the debtor in the account of principal.
Payment made on account of fees due in respect of supply of statements of debts.
The amount of principal remaining unpaid and the interest thereon.
The amount of principal remaining unpaid, the interest thereon and the amount remaining unpaid on account of fees due in respect of statements of debts.

Date

Money-lender or his agent.

FORM 8. (Rule 12.)

Please take notice under clause (*a*) of sub-section (*1*) of section 27 of the Bombay Money-lenders Act, 1946, that pursuant to the agreement made by me with you

to assign $\frac{\text{the loan}}{\text{the balance of loan}}$ / $\frac{\text{interest on the loan}}{\text{balance of interest on the loan}}$

advanced to Mr. Address

together with accrued interest/balance of interest and benefits of the agreement under which the aforesaid loan was given to the debtor as well as security in respect of loan/interest on loan, you will be subject, with effect from * to the provisions of the Bombay Money-lenders Act, 1946.

Signature of the Money-lender.

Prior assignee of the Money-lender.

Date

*** Here insert the date of assignment.**

FORM 9.

(Rule 12.)

Statement of information to be supplied to the assignee under clause (b) of sub-section (1) of section 27 of the Bombay Money-lenders Act, 1946.

Name of money-lender including subsequent assignees, if any, and his/their address/ addresses—

Name of debtor—

Address—

1. Date of loan—

2. Amount of loan—

3. Rate of interest per annum—

3A. Amount of fees due in respect of supply of statements of debts—

4. Total repayments made by the debtor up-to-date—

   (*a*) Principal ...
   (*b*) Interest ...
   (*bb*) Fees for supply of statements of debts.
   (*c*) Total ...

5. Amount outstanding on— ...
   (*a*) Principal ...
   (*b*) Interest ...
   (*bb*) Fees for supply of statements of debts.
   (*c*) Total ...

6. Nature and value of the security—

7. Particulars of documents including previous assignments, if any—

8. Any special condition attaching to the loan—

9. List of documents of which copies are attached—

10. Other information, if any—

Signature of Assignor/Money-lender.

Address

Date

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FORM 10.

(Rule 12.)

To

_____

Debtor.

Please take notice under clause (*c*) of sub-section (*1*) of section 27 of the Bombay Money-lenders Act, 1946, that I propose to make an assignment

of the loan / balance of loan / interest on loan / balance of interest on loan

advanced to you on together with

accrued interest / balance of interest and benefits of the agreement under the aforesaid loan as well as security taken in respect of the loan / interest on the loan to

(Name of the assignee)

_____

(Address of the Assignee)

_____ with effect from (dated) _____ and that from the date of such assignment, the assignee abovenamed shall exercise all rights and shall have all the liabilities under the provisions of the Bombay Money-lenders Act, 1946.

Signature of Money-lender.

Address

Signature of prior assignee of the Money-lender.

Address

FORM 11.

(Rule 13.)

(*Application to a Court under sub-section (1) of section 30 for taking accounts.*)

In the Court of

Mis. Case No.....of 19.....

The undermentioned debtor applies for taking accounts of the loan described below and for declaring the amount due to the money-lender.

Particulars of Loan.

1. Document, if any with particulars—

2. Amount—

3. Description of the money-lender :

   (*a*) Name—

   (*b*) Father's/Husband's name—

   (*c*) Address—

4. Description of the debtor :

   (*a*) Name—

   (*b*) Father's/Husband's name—

   (*c*) Address—

Date

Signature.